

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK KRAMER,	:	CIVIL DIVISION
	:	
Plaintiff,	:	No. 2:20-cv-1956
	:	
v.	:	
	:	
VELOCITY INVESTMENTS, LLC,	:	
	:	
Defendant.	:	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1367, and 1446, Defendant Velocity Investments, LLC, (“Velocity”) hereby gives notice and removes this action to the United States District Court for the Western District of Pennsylvania.

**PROCEDURAL HISTORY, BACKGROUND, AND BASIS FOR REMOVAL**

1. On July 23, 2020, Plaintiff, Mark Kramer (“Kramer”), began this action by filing a Praecipe for Writ of Summons in the Court of Common Pleas of Allegheny County, Pennsylvania. See Exhibit A.
2. On October 23, 2020, Kramer filed a Complaint, presenting a federal question. See Exhibit B.
3. The Complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1602 *et seq.* (“FDCPA”), Id. at ¶¶ 31-84. According to Kramer, Velocity’s initiated a lawsuit against Kramer to collect upon an unpaid debt and failed to keep certain “financial source” document confidential pursuant to 204 Pa. Cod § 213.81 Id. at ¶¶ 5-30. This allegedly amounts to “a false deceptive, and fraudulent representation in the attempted collection of any debt in violation of 15 U.S.C. § 1692e(10).” Id. at ¶ 25.

4. Therefore, Kramer's Complaint, as stated, presents a federal question. Through his claims under the FDCPA, the allegations confer federal question jurisdiction on this Court pursuant to 28 U.S.C. §§ 1331 and supplemental jurisdiction of any other claims, which are related, pursuant to 28 U.S.C. § 1367.
5. Velocity received a copy of the Complaint on or around November 17, 2020. No affidavit or certificate of service was filed of record in state court. See Exhibit C, State Court Docket Sheet.
6. This Notice is timely in accordance with the provisions of 28 U.S.C. § 1446(b), because it is being filed within 30 days after service of the Complaint upon Velocity.
7. This Honorable Court possesses federal question jurisdiction under 28 U.S.C. § 1331 based on the alleged violations of the FDCPA and supplemental jurisdiction under 28 U.S.C. § 1367 for any related state law claims.

#### **VENUE AND NOTICE**

8. The Court of Common Pleas of Allegheny County, Pennsylvania, is located within the jurisdiction of the United States District Court for the Western District of Pennsylvania. Thus, venue in this Court is proper under 28 U.S.C. § 1441(a).
9. Pursuant to 28 U.S.C. § 1446(d), Kramer is being provided with written notice of removal and a copy of this Notice is being filed with the Prothonotary of the Allegheny County Court of Common Pleas.

#### **JURY TRIAL**

10. Plaintiff did request a jury trial in the state court action.

**STATE COURT PLEADINGS**

11. Copies of all process, pleadings, orders of record and the State Court Docket Sheet from the Court of Common Pleas of Allegheny County, Pennsylvania, are attached to this Notice. See also Exhibit C.

**CONCLUSION**

WHEREFORE, Defendant Velocity Investments, LLC, pursuant to 28 U.S.C. §§ 1331, 1367, and 1446, hereby removes this action from the Court of Common Pleas of Mifflin County, Pennsylvania, to the United States District Court for the Middle District of Pennsylvania.

Respectfully Submitted,

By: /s/ Thomas M. Pie', Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that this 16<sup>th</sup> day of December, 2020, a true and correct copy of the foregoing Notice of Removal has been electronically filed with the Clerk of the Court using the CM/ECF system. I further certify that I served a true copy of the foregoing upon counsel of record as indicated below by electronically mailing a true copy thereof:

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